PUBLIC CITIZEN NEWS
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Public Citizen v. Trump

BY RHODA FENG

Since President Donald Trump took office, he has put regulations – and the federal agencies that issue these vital public safeguards – squarely in his crosshairs.

Parroting the talking points of big corporations, he has erroneously claimed that regulations cost jobs and dampen business ingenuity.

Trump is dead wrong. So when on Jan. 30 he issued an executive order arbitrarily directing that federal agencies could issue new regulations only if they repealed two, Public Citizen took action to block the order.

On Feb. 8, Public Citizen, joined by the Natural Resources Defense Council and the Communications Workers of America, sued the Trump administration over the executive order.

The deregulatory Executive Order requires the cost of new rules to be offset by the elimination of at least two other rules, yielding a net cost of $0, and without consideration of the benefits afforded by the rules. In practice, this order will weaken, deter or delay federal agencies from issuing new health, safety, environmental, consumer finance and worker protections.

"If implemented, the order would result in lasting damage to our government's ability to save lives, protect our environment, police Wall Street, keep consumers safe and fight discrimination."

The complaint, filed in the U.S. District Court for the District of Columbia, names as defendants the president, the acting director of the Office of Management and Budget (OMB) and the current or acting secretaries and directors of more than a dozen executive departments and agencies.

"No one thinking sensibly about how to set rules for health, safety, the environment and the economy would ever issue this executive order. The goal is clearly to confer enormous benefits on big business."

—Robert Weissman, president of Public Citizen

"No one thinking sensibly about how to set rules for health, safety, the environment and the economy would ever issue this executive order. The goal is clearly to confer enormous benefits on big business," Public Citizen President Robert Weissman said.

The suit alleges that the agen-

see **Lawsuit**, page 13 ▶

After 15 Years, Public Citizen Wins Rule to Prevent Beryllium Deaths

WIN!

BY RHODA FENG

After years of fighting for stronger protections from beryllium exposure, workers and organizations who have advocated on their behalf have achieved a long overdue victory – though one with a somewhat uncertain future.

More than 15 years ago, Public Citizen petitioned for stronger protections for workers exposed to toxic levels of beryllium in a variety of workplace settings. Finally, in January 2017, the U.S. Occupational Safety and Health Administration (OSHA) adopted a new rule to protect workers from

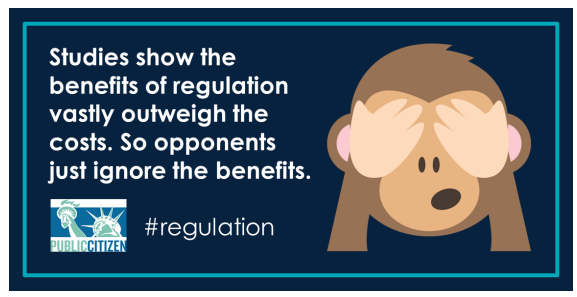
see **Beryllium**, page 16 ▶

The Republican War on Regulation

BY DAVID ROSEN

President Donald Trump, his Cabinet of billionaire robber barons and the corporate-backed Republican Congress are trying to plunder our nation's wealth and resources by dismantling public protections, rigging the rules for their own personal benefit and unleashing big corporations to prey on American workers, consumers and families.

The GOP's war on regulation is payback for billions of dollars in corporate campaign spending on behalf of Republican candidates during the past several election cycles, and it


Studies show the benefits of regulation vastly outweigh the costs. So opponents just ignore the benefits.
#regulation
PUBLIC CITIZEN

is being waged on several fronts simultaneously. On each front, Public Citizen is leading the fight to defend public protections and the regulatory process from these unprecedented assaults on public health and safety, our wallets and workplaces, and our environment.

Upon assuming office, Trump temporarily suspended federal regulatory activity, something recent presidents have done. But on Jan. 30, he signed an executive order requiring the repeal of two public protections for every new one issued – forcing federal agencies to

see **Regulation**, page 8 ▶

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Angela Bradbery, *communications director*
Rick Claypool, *research director*
Katie Downey, *communications intern*
Rhoda Feng, *editor*
Karilyn Gower, *press officer*
Caroline Krauss, *communications intern*
Bartlett Naylor, *financial policy advocate*
David Rosen, *press officer for regulatory affairs*
Mike Tanglis, *senior researcher*
Robert Weissman, *president*

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GET TO KNOW PUBLIC CITIZEN

RICK CLAYPOOL

An ongoing series profiling Public Citizen leaders and staffers

Rick Claypool is the research director for Public Citizen's president's office. He has worked at Public Citizen for nearly nine years, previously serving in various roles in the communications department and the Congress Watch division. Growing up in a family of steelworkers in a working-class town in western Pennsylvania, he witnessed firsthand the economic devastation brought on by corporate globalization. Claypool has a bachelor's degree in English and a master's degree in popular culture studies. When Claypool isn't doing in-depth investigations on corruption and corporate power, he spends time with his family and writes fiction. His debut novel is slated for release later this year.

Please tell us about your role at Public Citizen.

Claypool: As research director for the president's office, I do in-depth investigations into a number of our issues. Some of the issues I come back to again and again are money in politics, drug pricing and corporate influence in government. As you might expect, these concerns have taken on a new urgency under President Trump – especially corporate influence. Trump's corporate Cabinet plus Congress' bloodthirst for deregulation means I'm working every day to help arm Public Citizen and our members and supporters with information to resist destructive policies that, left unchecked, would let reckless corporations rip off consumers, pollute our environment, exploit workers and harm patients. This is the fight of our lives.

What led you to Public Citizen?

Claypool: Before Public Citizen, I did investigative reporting for an alternative newsweekly in Toledo, Ohio, and worked for a grassroots anti-poverty organization in Pittsburgh, Pa. I was drawn to Public Citizen's dedication to standing up to politicians and corporations that prioritize private profit over the public interest. That was nearly nine years ago, about a month before the 2008 financial crisis. I've been in the thick of it ever since.

Can you share with us a fun/interesting fact most people don't know about your work?

Claypool: I once wound up at a charity dinner sitting next to a politician I'd criticized pretty sharply about a week earlier. He was on the radio defending himself from what I'd said. But at the dinner, we got along, exchanged a few words. Pretty soon the politician started taking a better position on the issue. I don't think I was the only reason he came around, but I like to think I helped.

What issues appeal to you most?

Claypool: Generally, I like knocking down the barriers that corporate interests have erected against policies that actually help people. So money in politics reforms, improving the regulatory system and ensuring that corporations can be held accountable via the criminal justice system appeal to me. And I will fight forever for single-payer health care.

What do you enjoy doing in your free time?

Claypool: I hang out with my amazing wife and son and a cat named Chomsky. I cook. I drink hoppy beers. I'm kind of addicted to "Adventure Time," this ridiculous show on Cartoon Network. I'm constantly reading. And I write. My first book, a weird science fiction novel about a safety inspector who joins a resistance movement against a corporate city-state, is coming out later this year.

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Public Citizen is a national nonprofit membership organization based in Washington, D.C. Since its founding by Ralph Nader in 1971, Public Citizen has fought for corporate and government accountability to guarantee the individual's right to safe products, a healthy environment and workplace, fair trade, and clean and safe energy sources. Public Citizen is active in Congress, the courts and government agencies.

Public Citizen does not accept government or corporate grants. Our funding comes from our supporters throughout the country, who believe there should be full-time advocates of democratic principles working on their behalf; from foundations; and from the sale of our publications. Public Citizen is an equal opportunity employer. To become a member of Public Citizen and receive the award-winning Public Citizen News, please call (202) 588-1000 or send a check payable to Public Citizen for $20 to Public Citizen Membership Services at the address below.

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EDITOR
Rhoda Feng

EDITORIAL

Stopping Trump in Court

President Donald Trump is a threat to our health and safety, our economy, our environment, our democracy, our liberty, our commitment to the rule of law and our basic sense of decency.

We're not going to let him trample the things that truly make America great. We are ratcheting up our lobbying and advocacy, focusing our communications and social media efforts on stopping Trump's abuses and deepening our investment in grassroots organizing to confront Trump's plans. And we are looking to deploy aggressive and creative litigation strategies to defend the rule of law and block his harmful agenda.

PRESIDENT'S VIEW
ROBERT WEISSMAN

When Trump tries to block mandated health and safety rules, or unilaterally roll back the Dodd-Frank-imposed restraints on Big Banks, or run roughshod over our democratic institutions, we're going to take him to court.

Last month, Public Citizen litigators filed *Public Citizen v. Donald Trump* (described on page 1), the first of many lawsuits we anticipate bringing against the Trump administration. That case challenges the administration's deregulatory executive order requiring the elimination of two regulatory protections for every new one added.

Image credit: Shutterstock

The day we filed *Public Citizen v. Donald Trump*, White House spokesperson Sean Spicer went before the cameras to denounce the lawsuit.

It "presumes a lot of outcomes that are wildly inaccurate," he said.

Well, what the lawsuit presumes is exactly what the Trump administration intended with its deregulatory executive order.

What is intended is that regulatory agencies hesitate to adopt new auto safety standards (even as self-driving cars start to hit the road), update rules to keep our food safe and our water free of contamination, or approve new protections against the latest bank scams – or any new rule to protect Americans and limit corporate abuse. To adopt a new rule, they will need to get rid of two existing ones. That's an impossible trade-off that requires agencies to make arbitrary decisions and to violate their governing statutes.

That case highlights the imperative of challenging the Trump agenda, and it's hard to exaggerate the stakes.

There are two things we know about Donald Trump. First, his authoritarian nature and contempt for due process will drive him to stretch legitimate presidential executive authority far past its breaking point.

And second, as demonstrated by the failed travel ban executive order, his White House is grossly incompetent and will almost certainly leave itself open to legal challenge after legal challenge.

And that's where we will stop him ... in court.

With our robust litigation strategy, we're going to expose Trump administration abuses. We're going to slow and, where possible, derail the Trump administration's extremist, corporate-friendly, anti-democratic agenda. And we're going to stand up for our Constitution and our liberties.

Public Citizen Litigation Group has unparalleled expertise in key areas of open records, administrative and constitutional law. Since our founding more than 45 years ago, we have participated in many of the key cases involving:

- Government openness and the Freedom of Information Act;
- Undue corporate influence over policymaking and the Federal Advisory Committee Act;
- Consumer, worker and environmental protections and administrative law generally; and
- Abuse of presidential powers and fundamental separation of powers questions.

Now we aim to pursue litigation in those areas and more – including the First Amendment, due process and equal protection claims – to curb Trump administration abuses.

Donald Trump has made crystal clear his utter contempt for any constitutional, legal or ethical constraints on his authority – a profoundly dangerous quality in any president, especially one pushing such an extreme, pro-corporate agenda.

The Founding Fathers quite purposefully designed the U.S. Constitution to restrain exactly the kinds of authoritarian maneuvers that Trump is embracing. The textbook system of checks and balances anticipated and forbids Trump-style power aggrandizement.

But the system doesn't work on its own. It requires Congress, the courts and the citizenry to make it function. That's where we come in.

Robert Weissman

We are updating* Public Citizen News *with a new look, starting with this issue. Let us know how we're doing by sending your feedback to editor@citizen.org.

Will A Trump Renegotiation of NAFTA Make It Better – or Worse?

Flipping Ohio, Pennsylvania, Wisconsin and Michigan into the Republican column was critical to Donald Trump's election. Polls reveal that Trump connected to widespread public opposition to status-quo trade agreements with his relentless attacks on decades of trade deals that have offshored jobs and pushed down wages to win those states.

At almost every campaign stop, Trump pledged to declare China a currency manipulator on his first day in office and launch renegotiations of the North American Free Trade Agreement (NAFTA) within his first 100 days to make NAFTA "better" for working people. Having reneged on his China commitment, Trump is facing mounting pressure to start renegotiations of NAFTA, which he labeled "the worst trade deal in history" while announcing that he would "tell our NAFTA partners that I intend to immediately renegotiate the terms."

While Trump has missed the Jan. 31 date necessary to provide Congress notice to start NAFTA renegotiations within his first 100 days, his administration has indicated to Congress that such notice may be provided by the end of March.

Depending on how Trump changes NAFTA, he could make it worse for most people, not only in the U.S. but also in all three NAFTA nations. Congressional Republicans and various corporate interests have stated that NAFTA renegotiations are the way to revive many of the worst elements of the Trans-Pacific Partnership (TPP) given that Mexico and Canada were also involved in that deal.

And absent effectively replacing much of NAFTA's core terms, the deal certainly will not become "better" for people – or the planet.

Starting a decade ago, Public Citizen worked with partners from environmental, labor, consumer, family farm, faith and other public interest organizations and progressive members of Congress to develop and build consensus around a progressive alternative model for U.S. trade pacts.

That vision was at the heart of a letter sent to Trump the week before his inauguration from the Citizens Trade Campaign (CTC), the national coalition that Public Citizen helped found in 1992 to battle NAFTA and with whom Public Citizen has worked closely ever since. The CTC letter sets out the standards that Trump must meet to replace NAFTA with terms better for most people and pledges to fight any deal that does not meet those standards.

"The Trump administration can rename NAFTA the North American Free and Most Fairest of Them All Trade Agreement, but given that NAFTA is packed with incentives to offshore jobs and special protectionist goodies for various industries, NAFTA must be replaced – not tweaked – to actually deliver better outcomes for working people," said Lori Wallach, director of Public Citizen's Global Trade Watch.

In the letter, sent Jan. 13, CTC described 11 changes that must be included in future NAFTA talks, including:

• Eliminate the investor protections that incentivize the offshoring of jobs and that empower corporations to attack democratic policies in unaccountable tribunals;

• Add strong labor and environmental standards to the agreement's core text and condition the pact on those terms being enforced with improved conditions on the ground to stop the race to the bottom;

• Change NAFTA terms so that only imported food, products and services that meet U.S. consumer, environmental and other standards are permitted access;

• Eliminate NAFTA rules that grant pharmaceutical firms monopoly rights to limit generic competition and thus keep consumer prices high;

• Eliminate NAFTA terms that ban the use of Buy Local and Buy American procurement policies so our tax dollars are not offshored and that expose to challenge sweat-free, recycled content, renewable energy and other conditions on government contracts;

• Add strong, enforceable language against currency manipulation to ensure a fair playing field for U.S. workers, farmers and firms;

• Add a broad exception to ensure that environmental, health, labor and other public interest policies cannot be attacked as illegal trade or investment barriers; and

• Replace NAFTA rules that harm family farmers and feed a destructive agribusiness model.

The letter also demands an end to secretive trade negotiations. Noting that continuing the previous procedures that provide special access for corporate interests but lock out the public will result in more damaging deals, the letter calls for the public release of trade agreement texts after each negotiating round so the public knows what is being demanded and how the pact is shaping up while it is possible to correct course.

"The Trump administration can rename NAFTA the North American Free and Most Fairest of Them All Trade Agreement, but given that NAFTA is packed with incentives to offshore jobs and special protectionist goodies for various industries, NAFTA must be replaced — not tweaked — to actually deliver better outcomes for working people."

—Lori Wallach, director of Global Trade Watch

In the past two decades, millions of working people across the United States, Canada and Mexico have voiced opposition to trade agreements like the TPP that are modeled on NAFTA. They have called for an end to corporate power grabs enacted under the trade agreement brand that give new powers to multinational corporations to push down wages by playing working people off each other across borders, attack public interest safeguards in unaccountable tribunals, displace farmers and promote forced migration, increase medicine prices, flood countries with unsafe imported foods and destabilize the climate.

Public Citizen and its partners in the Citizens Trade Campaign have called for trade policies that reverse this harmful tide and instead create good jobs, raise wages, promote equality and ensuring a healthy environment and access to affordable safe medicines and essential services.

As the fate of NAFTA hangs in the balance, so too does the future of other trade deals predicated on the NAFTA model that the previous administration had not completed. This includes the Transatlantic Trade and Investment Partnership, the Trade in Services Agreement and the U.S.-China Bilateral Investment Treaty. That Trump did not call for an end to these talks – each of which contradicts his trade reform pledges in fundamental ways – is a worrying signal that Trump's trade rhetoric may not translate into actions that remedy the damage of the failed status quo trade policies that he exploited to win the presidency. ■

People demonstrating in Portland, Oregon in 2007. Credit: Citizens Trade Campaign.

CorporateCabinet.org Tracks Trump Cabinet Picks

BY KARILYN GOWER

President Donald Trump has deep-seated conflicts of interest and corporate ties, and so do members of his Cabinet. So when Public Citizen got wind of the corporate cronies Trump picked to run his Cabinet, the organization sprang into action and created CorporateCabinet.org to highlight the business ties and conflicts of interest with Trump's top picks.

"Donald Trump, the candidate who ran against corruption, cronyism and insider dealmaking, is handing control of the government over to corporate chieftains," said Robert Weissman, president of Public Citizen. "We're facing a government literally of the Exxons, by the Goldman Sachses and for the Kochs."

The website was created to be a tool for media, activists, nonprofits and policymakers as they seek to learn more about Trump's Cabinet picks – picks that are more entangled with corporate interests than any Cabinet in American history. Many of the appointees, who have since been confirmed, have connections with corporations whose profit-driven interests are directly at odds with those of the federal agencies Trump empowered them to lead.

Republican senators have voted mostly along party lines to approve Trump's nominees; their Democratic counterparts, strengthened by grassroots activists, meanwhile, have mostly been opposed.

"Donald Trump, the candidate who ran against corruption, cronyism and insider dealmaking, is handing control of the government over to corporate chieftains."

—Robert Weissman, president of Public Citizen

For example, billionaire Betsy DeVos narrowly squeaked by to become the secretary of the Department of Education. In the days leading up to her approval, CorporateCabinet.org highlighted that the DeVos family has been among the foremost funders of right-wing politicians and ideological causes since the 1970s. Since 1980, DeVos and her family gave 23 senators – all of whom ultimately voted to confirm her – campaign contributions.

This blatant conflict of interest, coupled with the fact that DeVos is an advocate of privatizing public education (a Wall Street-backed scheme predicated on profiting by undermining teacher compensation), drew ire from Democrats nationwide. The Senate confirmation vote was 50-50; Vice President Mike Pence broke the tie.

CorporateCabinet.org also called attention to Trump's original pick for secretary of labor, fast-food mogul Andrew Puzder, chief executive officer of CKE Restaurants, the parent company of Hardee's and Carl's Jr. The website highlights that Puzder's companies are notorious for being anti-worker and anti-union; the companies have been investigated for minimum wage and overtime violations. Puzder is a major GOP donor and made more than $20,000 in campaign contributions to Trump and his allies. When Puzder's past became available for the public to see, the opposition to his nomination grew. He withdrew his nomination in February.

Creating a website like CorporateCabinet.org is just one example of the different watchdogging tactics Public Citizen will use over the next four years to make sure the Trump administration is held accountable and that the corporate ties and conflicts of interest are exposed for the public and media to see.

"Within the first month of the administration, we have seen Trump drive an anti-consumer agenda, use the government as an apparatus to advance the interest of the family business and pay back favors by putting his corporate cronies in office," Weissman said. "We will continue to be the people's eyes and ears in Washington, D.C., and make sure the American public knows the real facts about Donald Trump, not the alternative lies he spouts on TV." ■

Nondisclosure Agreements Concealed Congressional Staff Work on Muslim Ban

BY CAROLINE KRAUSS

Donald Trump campaigned on a promise to run the government like a business. He may have gone too far.

In what appears to be a first, congressional staffers were required to sign nondisclosure agreements before helping incoming President Donald Trump's transition team work on what would become the controversial executive order banning refugees from Muslim-majority countries.

Such an agreement seems to have prevented the staffers from disclosing any of the transition team's work to the public and perhaps even to their bosses.

In a letter sent to the House Committee on Ethics, Public Citizen, along with a coalition of 12 citizens groups and academics, says that nondisclosure agreements should never be used again.

When the travel ban was rolled out on the evening of Friday, Jan. 27, confusion and chaos erupted almost immediately. Members of Congress publicly declared that they had not been fully informed about the existence of the order.

According to a Public Citizen press release, "The nondisclosure agreement seems to have barred congressional staff from disclosing any of the transition team work – not only to the public, but also to members of Congress for whom they work."

U.S. Rep. Bob Goodlatte (R-Va.), chairman of the Judiciary Committee, said the order, which banned immigration from seven Muslim-majority countries, was not discussed with him, even though several of the committee's aides were involved in constructing it.

This prevention of communication between staffers and their bosses appears to have resulted in a tumultuous weekend on Capitol Hill, as frenzied Republicans frantically searched for answers as to why they were left in the dark about such a contentious order.

Allies of the Trump administration acknowledged that the rollout of the Muslim travel ban would have been smoother had there been even a brief exchange of information between those crafting the order and those responsible for its execution.

According to the letter the groups sent to the House Committee on Ethics, it is unclear whether the congressional staffers were consulting with the Trump administration on a volunteer basis, as a part of their congressional duties or if they were temporarily reassigned to help the transition team on a general basis.

"Regardless, the staffers should not have been required to sign a nondisclosure agreement, because it appears to have prevented them from conveying information to their direct superiors," said Craig Holman, government affairs lobbyist for Public Citizen.

The letter urges the House Committee on Ethics to "revise this guidance to make clear that congressional staffers are prohibited from signing non-disclosure agreements that prevent them from communicating with Members of Congress regarding any work they do for presidential transitions or for other entities or individuals in the future."

"If staffers had been permitted to discuss the details of the Muslim travel ban with their congressional employers, the chaos of the following days would have been minimized," Holman said. "A nondisclosure agreement, in this case, caused more trouble than it prevented." ■

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Riding *into the* Sunset

BY ANGELA BRADBERY

In 1988, Public Citizen's Texas office issued a report about the damage climate change would inflict on Texas over the coming decades. The predictions were dire and the solution was clear: Texas must stop using coal to generate electricity and turn to renewable energy.

So began the biggest project of Tom "Smitty" Smith's career. Smith, who just a few years earlier had become director of Public Citizen's Texas office, would spend another 29 years to wean the state from coal. Smith is retiring this spring after leading the Texas office of Public Citizen since 1985.

Smith made significant gains in the quest to shift the state to renewables. Texas is now the leading wind power producer in the United States. More than 22,000 people work in the wind industry in Texas – nine times more people than are working in the coal industry.

"We laid out a blueprint to transition the state to renewables, and we have exceeded even our wildest estimations of how quickly it would come and the impact it would have on the economy in terms of new jobs created and lower electricity bills," Smith said. "Now, more than two decades later, renewables are cheaper than coal."

To get there, Smith traveled a long road. He engaged in painstaking coalition building, testified at late-night city council meetings, traveled thousands of miles throughout the state, jawboned with state lawmakers, broke bread with legislators from all sides of the aisle and befriended local and state reporters.

And he never gave up.

"You lose more than you win, but you always try to make sure that at the end of a session, or the end of a career, you have won more than you lost," Smith said recently as he walked along an Arkansas beach near Corpus Christi Bay. "I didn't even bring my towel on this walk. I don't have a towel to throw in."

Ensuring that Texas became a leading wind and solar power state was just one of Smith's accomplishments.

He also:

- Worked with state policymakers to create the Texas Emissions Reduction Program (TERP), which has awarded more than $1 billion to replace 10,000-plus diesel engines and has cut more than 160,836 tons of smog-forming NOx;
- Along with Karen Hadden of the SEED coalition, his organizing partner and wife, started local groups that stopped the construction of 12 of 17 proposed coal plants over the past decade and four new nuclear reactors;

"It was a great experience. The watchdog work being done behind the scenes is really what resonated with me. I can't help but think that the experience influenced what I wanted to do in my career and what I have done."

—April Molina, investigative reporter for News 4 San Antonio and former intern with Public Citizen's Texas office

- Helped pass the state's building energy code, which has saved money for every new homeowner since 2003 and saved more energy than a coal plant would produce;
- Helped craft and pass major ethics reforms that included the creation of the state's ethics commission;
- Halted construction, through work with whistleblowers, at the South Texas and Comanche Peak nuclear power plants while safety improvements were made;
- Helped craft insurance reforms passed in 1991;
- Successfully pushed for a better state lemon law; and
- Co-founded and mentored 13 nonprofit organizations including Solar Austin, Clean Water Action in Texas, Texas ROSE (Ratepayers Organized to Save Energy) and the Sustainable Energy & Economic Development (SEED) coalition.

"Smitty's work has had an immeasurable impact on people's lives in Texas," said Robert Weissman, president of Public Citizen. "Because of him, the air in Texas is cleaner, so fewer people are suffering from asthma or dying early because of pollution-related lung disease. Because of him, solar power in Texas is now cheaper than coal-generated power. Because of his mentoring of students and assistance in creating and helping new groups, consumer advocacy in Texas is more robust. Smitty is an amazing and dedicated advocate for the public interest, and he has made Texas – and the United States – safer, cleaner and more just."

Smith has testified more than 1,000 times on energy and other issues before the Texas Legislature and Congress. He also has won more than 20 awards for his advocacy, including the 2009 Heinz Award for "his work as one of the most effective renewable energy advocates in Texas."

Hector Rivero, the president and CEO of the Texas Chemical Council, who has often ended up on the opposite end of issues from Public Citizen, told the Austin American-Statesman in December that the state's progress in renewable energy state "would not have been possible without Smitty's advocacy ... I have a strong affection and respect for him."

Under Smith's leadership, the Texas office has hosted almost 400 interns. Many went on to work in the public interest. Their ranks include federal judges, product safety lawyers and investigative reporters, as well as policy experts in governors' offices focusing on criminal justice and consumer affairs.

Handling defeats

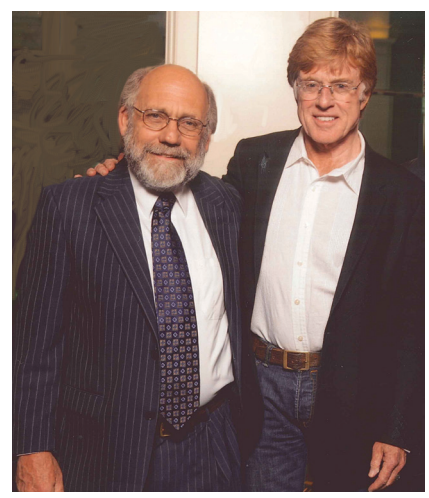
Smith didn't win everything, of course. He never did reach his goal of plugging a loophole in state ethics law that allowed lawmakers, who are part-time, to put on their full-time job hats and do business with corporations and interests seeking legislative favors.

"There have been days where I walked out of the Legislature so disheartened that I vowed never to come back," Smith said. "But I did. Because we do make change."

Public Citizen has named Adrian Shelley, executive director of Air Alliance Houston, as the next director of Public Citizen's Texas office. He will start his new job in April. ■

Tom "Smitty" Smith at the Capitol in Austin, Texas, in the 1990s. Public Citizen file photo.

Smith and Karen Hadden at a February 2017 gala honoring Smith. Credit: Janelle Matous.



Smith and Robert Redford in 2008. Public Citizen file photo.

The Republican WAR on Regulation

Regulation, from page 1 ▶

focus exclusively on the costs of regulation to industry and ignore the overwhelming benefits to the public. On Feb. 8, Public Citizen, the Natural Resources Defense Council and the Communications Workers of America jointly sued the Trump administration, asking the court to bar federal agencies from implementing the order (see story, page 1).

"In the recent election, Americans did not vote for deregulation of Wall Street, more polluted air and water, inaction on climate change, unsafe workplaces, fewer protections against discrimination and unequal pay, more food safety scandals or the gutting of consumer protections," said Robert Weissman, president of Public Citizen. "Rather, the election was a referendum on the need to hold powerful and wealthy interests accountable – and that is precisely what our regulatory system does."

The Congressional Review Act

Among the most powerful tools at the disposal of Republicans in Congress is an obscure law called the Congressional Review Act (CRA). The CRA allows Congress to strike down recently issued public protections by majority vote in both chambers, with limited debate and no possibility of a filibuster. Making matters worse, the CRA blocks federal agencies from issuing "substantially similar" protections without express authorization from Congress. What this means is that once these protections are repealed, we won't get them back any time soon.

In practical terms, Congress will have until sometime in June to undo Obama administration rules finalized after June 13, 2016. At press time, lawmakers already had repealed three: a rule protecting the nation's streams from mountaintop removal waste, a rule making it harder for big oil and gas companies to bribe governments and a rule keeping firearms out of the hands of the severely mentally ill. At least 50 major public protections, and hundreds of others, are still in danger.

If Republicans continue their destructive CRA maneuvers, payday lenders, debt collectors and prepaid credit card companies will be able to scam and rip us off. Polluters will be able to dump in our backyards and poison the wells near our homes. We'll pay more out of pocket for home appliances, trucks and electricity bills. The resulting pain and suffering will be real and widespread.

That's why the Public Citizen-led the Coalition for Sensible Safeguards and hundreds of allied organizations are drawing attention to the protections targeted for CRA repeal. Launched this January, the coalition's RulesAtRisk.org website is updated daily with the latest news and resources; information on the benefits and beneficiaries of protections we might lose; and intelligence on the members of Congress and corporate interests pushing for repeal.

Regulation

Deregulation

Image credit: Shutterstock

The stakes are clear.

Cabinet Nominations

Nearly all of Trump's Cabinet nominees are on record as being ideologically opposed to the missions of the agencies, bureaus, commissions and departments they have been appointed to direct – and are similarly hostile to the regulatory and enforcement work they are supposed to (and in some cases required to) carry out. That is why Public Citizen took a leading role in opposing many of Trump's nominees – drawing attention to their conflicts of interest and longstanding ties to giant corporations (see story, page 5).

At press time, Trump had not yet announced a nominee to direct the U.S. Office of Information and Regulatory Affairs, the White House's clearinghouse for federal rulemaking activity. But he did pick U.S. Rep. Mick Mulvaney (R-S.C.) to direct the U.S. Office of Management and Budget (OMB). OMB coordinates the president's legislative proposals and policies, proposes and implements the federal budget, supervises executive branch departments and agencies, manages federal procurement, implements executive orders and oversees the regulatory process.

Mulvaney's record, which Public Citizen documented in a January report, revealed an unmistakable pattern of ideological extremism, reality denial and flagrant hypocrisy, which rendered him unqualified to carry out the basic duties of the agency he was picked to lead. In his two confirmation hearings, Mulvaney promised that he would leave behind his past as a tea party radical who relished government shutdowns and the threat of national default, called for steep cuts to Medicare, Medicaid and Social Security, and denounced regulation.

"We shouldn't hand the reins of our gov-

ernment to someone who doesn't value its continual and effective operation," said Lisa Gilbert, Public Citizen's vice president of legislative affairs. "Mulvaney's anti-government beliefs could have disastrous consequences for American workers, consumers and families, because he is now in a position to carry them out."

As the lead author of the president's proposed budget, Mulvaney will be in a positon to impose steep cuts to our nation's social insurance programs as well as to agencies throughout the government – sabotaging their regulatory and enforcement work. He also will play a critical role in upcoming budget negotiations with Congress.

Anti-Regulatory and Deregulatory Legislation

In January, the U.S. House of Representatives passed three bills designed to sabotage the federal rulemaking process that establishes and enforces public protections. The Midnight Rules Relief Act expands the scope of the CRA (see the above section). Instead of repealing one regulatory protection at a time, as the CRA requires, this legislation would allow Congress to repeal multiple rules all at once. In a single vote, Congress could wipe out dozens, maybe even hundreds, of public protections. Fortunately, this legislation stands little chance of passing in the filibuster-prone U.S. Senate.

Another bill that stands little chance of passing is the REINS Act, which would require all new economically significant regulations – the big-ticket public protections that provide the most health, safety, environmental and economic benefits – to be approved within a narrow window of time by both chambers of Congress before taking effect. This legislation is nothing more than a backdoor way to block enforcement of existing legislation and future safeguards that powerful corporate interests do not want.

Of significant concern is the Regulatory Accountability Act (RAA), which would add more than 80 burdensome and time-consuming hurdles to the rulemaking process – paralyzing agencies that already are struggling to operate under tight budgets. In addition, the RAA would establish a default requirement that agencies adopt rules that are the least costly to industry, irrespective of the benefits to the public. This looms as a greater threat than the other two bills because conservative Democrats in the Senate might sign on to it.

PROBLEM: When industry titans run federal agencies, they rig the rules in their favor.

SOLUTION: Let's close the revolving door.

The 2017 version of the RAA now contains six other anti-regulatory bills that Public Citizen helped defeat in previous Congresses. "The resulting bill is a Frankenstein's monster that should horrify the American people," said Weissman. "Why would congressional Republicans unleash this horror on the American people? The only answer is to satisfy the demands of big business, no matter the harms to the country."

The Coalition for Sensible Safeguards, chaired by Public Citizen, is mounting an aggressive lobbying effort to defeat the RAA and any other dangerous anti-regulatory legislation congressional Republicans propose over the next two years.

In addition to legislation that attacks the rulemaking process, Republicans in Congress are trying to repeal or erode popular laws such as the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Affordable Care Act and the Endangered Species Act. So far, these deregulatory efforts have been stymied by dysfunction within the Republican caucus. But if they start to move forward, Public Citizen and its allies in the Coalition for Sensible Safeguards will fight back.

Appropriations Riders

The last Congress never passed a budget for fiscal year 2017 and instead passed a continuing resolution that extended 2016 funding levels through April 28. As we saw in previous years and expect to see again this spring, congressional Republicans attach hundreds of harmful riders to appropriations legislation. These are special favors that pay back ideological extremists and big corporations in their ranks. Many of these riders attack the regulatory process or specific public protections.

Public Citizen chairs the Clean Budget Coalition, made up of hundreds of groups opposed to these riders. In the weeks ahead, Public Citizen will be reconvening the coalition to gear up for the next round of budget battles. With Republicans controlling both chambers of Congress and the White House, the organization will fight to stop anti-regulatory riders and to preserve funding levels, so that federal agencies can keep doing the important work of protecting the public and enforcing our laws.

"Our government's ability to protect all of us from corporate predators, pickpockets and polluters is under siege like never before, and the dangers cannot be overstated," Weissman said. "Whether it's by prohibiting big banks from destroying our economy, stopping credit card companies from charging billions in hidden fees or preventing environmental catastrophes that poison our water and air, regulatory protections save lives, safeguards our jobs and pocketbooks, and hold big corporations accountable."

You can help us fight back by donating to support Public Citizen's one-of-a-kind regulatory work, by demanding that your elected representatives defend public protections and by writing letters to the editor about these issues in your local newspaper. ■

To learn more about what's at stake, please visit any of the websites run by Public Citizen including:

Citizen.org
CorporateCabinet.org
SensibleSafeguards.org
RulesAtRisk.org

Seven Years Later, the Foundation of *Citizens United* is in Ruins

BY MIKE TANGLIS

Since the U.S. Supreme Court's 2010 *Citizens United* decision, it has been well documented that the court's ruling empowered numerous outside groups – many of which were essentially arms of candidates' campaigns – to spend massive amounts to influence federal elections.

But increasingly, unregulated outside groups are acting as accessories to campaigns in state and local races around the country, according to a new Public Citizen report, "*Citizens United*'s Foundation in Ruins."

In its *Citizens United* decision, the Supreme Court, by a 5-4 vote, freed organizations not run by candidates to spend at will to influence elections. The decision, which led to "super PACs" that can accept unlimited contributions, was based on the faulty assumption that outside entities are independent of candidates "by definition."

Because they are independent, the court claimed, their activities are not likely to corrupt politicians and therefore should not be restricted. But the court's majority overlooked the fact that many groups taking advantage of the decision would not truly be independent of candidates.

The examples in the report, while not all strictly enabled by *Citizens United*, illustrate the fallacy of assuming that outside groups operate independently by definition.

In Chicago, a super PAC dedicated largely to Mayor Rahm Emanuel's re-election was formed by close Emanuel ally Rebecca Carroll immediately after she left Emanuel's administration. By the end of Chicago Forward's first day of existence, the super PAC had received $950,000 from seven individuals – all of whom had previously given the maximum amount allowable to Emanuel himself.

Carroll has called super PACs the "shiny new object in campaigns today," as "they provide new flexibility" in states where there is "far more stringent control."

In Washington, D.C., a year after Mayor Muriel Bowser's election, her former campaign treasurer created an outside group, FreshPAC, which was named after Bowser's own campaign slogan – a "fresh start."

FreshPAC's donors were supportive of Bowser, as 74 percent of them had contributed directly to Bowser's campaign the year before. Bowser herself even attended two of the group's fundraisers. FreshPAC came under immense criticism when reporting showed that many of its donors were currently doing business, or seeking to do business, with the District. An unidentified donor to the group told *The Washington Post*, "If you want to continue to have good favor with the mayor," giving to FreshPAC "is something you do."

"From high-profile mayoral races to elections for unpaid school board seats, *Citizens United* has turned state and local politics into the Wild West."

— Michael Tanglis, researcher with Public Citizen's Congress Watch Group

In Elizabethtown, N.J., a super PAC whose largest individual donor was a for-profit bail industry lobbying group spent hundreds of thousands of dollars on a race for unpaid school board seats. The super PAC's expenditures were so overwhelming that the candidates it supported barely bothered to raise money for their campaigns.

In Oklahoma, a candidate for state school superintendent, Joy Hofmeister, strategized that the "independent" group supporting her could do the dirty work by running negative ads about her opponents while she would "take the high road." Hofmeister denied having specific knowledge about the group, though investigators turned up emails and texts showing otherwise.

Hofmeister was ultimately indicted – not by dint of a well-functioning campaign finance system catching a candidate's misdeeds, but as a result of leaked communications with the outside group.

Ultimately, *Citizens United* must be overturned, Public Citizen maintains. ■

In Touting Ivanka Trump Products, Kellyanne Conway Crosses Legal Line

Kellyanne Conway. Credit: Wikimedia

BY KATIE DOWNEY

When Kellyanne Conway on Feb. 9 gave Ivanka Trump what Conway termed a "free commercial" on national television, it was obvious to Public Citizen that Conway had crossed a line.

In a morning interview on Fox & Friends, Conway touted the clothing and shoe line of the president's daughter: "It's a wonderful line. I own some of it ... I'm going to just give a free commercial here, go buy it today everybody. You can find it online."

Within a few hours, Public Citizen had filed a complaint with the U.S. Office of Government Ethics, calling on it to investigate what appeared to be a clear violation of the law. Federal employees may not use their public office for the purpose of endorsing products.

"Conway's remarks clearly highlighted the problem we have been raising about this administration since before it took office: that the Trump administration will use the government apparatus to advance the interests of the family businesses," said Robert Weissman, president of Public Citizen. "Anyone harboring illusions that there was some separation between the Trump administration and the Trump family businesses has had their fantasy shattered."

White House Press Secretary Sean Spicer responded that Conway had been counseled.

Public Citizen was right: In a Feb. 14 statement issued by the Office of Government Ethics, the office said that Conway should be disciplined for her endorsement of Ivanka Trump's brand.

Conway's defense of Trump's daughter came after Trump took to Twitter to complain that Nordstrom had dropped his daughter's products because of poor sales.

"Kellyanne Conway never would have made those statements had she subjected herself to the most elementary ethical standards," Weissman said. "The administration's pervasive conflicts of interest, recklessness, carelessness and disregard for anti-corruption standards and even truth all start from the president."

Public Citizen will continue calling out the administration for apparent ethical violations. ■

In Memoriam: Clarence Ditlow, Crusader for Auto Safety

BY RHODA FENG

"Formidable" and "tenacious." Those are two words that friends and colleagues frequently use to describe Clarence M. Ditlow, III, who dedicated 45 years of his life to pushing the auto industry to put safety first. Mr. Ditlow, the executive director of the Center for Auto Safety, died on Nov. 10, 2016. He was 72.

Mr. Ditlow spent four decades prodding the auto industry to install lifesaving features such as air bags and make sweeping improvements in the safety, reliability and fuel efficiency of the vehicles on which Americans depend daily. He was tireless in his pursuit of stronger consumer protections. For 45 years, he harangued regulators, filed lawsuits and public records requests, and testified before Congress to expose deadly and dangerous defects in millions of vehicles as well as to force auto companies to recall millions of faulty vehicle and auto parts. These included the Ford Pinto (exploding gas tank), the Firestone 500 radial tire (a defect), various models of Toyotas (sudden acceleration), various models of GM vehicles (defective ignition switches) and Takata air bags (prone to explode).

"With a marvelous civic personality of knowledge, determination, compassion and resiliency, lawyer and engineer Clarence Ditlow was for decades the round-the-clock guardian angel of motorists and pedestrians," said consumer advocate and lawyer Ralph Nader.

Clarence Ditlow, the late executive director of the Center for Auto Safety, at a 2008 press conference at George Washington University in Washington, D.C. Public Citizen, the Center for Auto Safety and the Center for Injury Research called on the federal government to make vehicles safer in rollovers. Public Citizen file photo.

Mr. Ditlow graduated from Lehigh University with a degree in chemical engineering. He graduated from Georgetown University Law School and earned a master of laws degree in tax from Harvard Law School. He began his career in 1965 in Washington, D.C., as a patent examiner with the U.S. Patent Office while attending law school. In 1971, he joined Ralph Nader's Public Interest Research Group (PIRG) as a staff lawyer.

The Center for Auto Safety played a key role in reducing the death toll on America's roads, from 5.2 deaths per 100 million vehicle miles traveled in 1969 to 1.1 per 100 million vehicle miles in 2010. Mr. Ditlow, who joined the Center in 1976, testified more than 50 times before congressional committees regarding auto safety, warranties, service bulletins, air pollution, consumer protection and fuel economy. He was the leading consumer advocate for enacting lemon laws in all 50 states, which forced manufacturers to improve vehicle quality and helped 100,000 consumers get relief for defective vehicles each year. Under his leadership, the Center for Auto Safety contributed to 29 federal motor vehicle safety standards and pursued 15 major defects cases (and hundreds of smaller ones) that resulted in tens of millions of cars being recalled.

Joan Claybrook, his then-colleague at PIRG (who later became Public Citizen's president), recalled, "Despite his small staff and meager budget, [Clarence] moved mountains and brought down many Goliaths."

His college wrestling career provided a glimpse into the kind of advocate he would become.

"The qualities of a successful wrestling mindset fit Clarence perfectly," Claybrook said. "Wrestlers are highly disciplined, mentally and physically, with great endurance and determination; courageous and not afraid to fall; and are resilient when facing setbacks and adversity."

Mr. Ditlow quickly gained a reputation as the "go-to" expert for the media and congressional staff on auto safety. He authored multiple books on auto safety, air pollution and transportation, including "The Lemon Book," "Lemon Law Litigation Manual," "Little Secrets of the Auto Industry" and "Sudden Acceleration." He updated and edited the "Automobile Design Liability" manual, a six-volume work published by Thomson Reuters. Mr. Ditlow maintained a lifelong passion for taking his research to the public to mobilize reform and effect broader social change.

Eulogizing her former colleague, Claybrook recalled, "Clarence was a tough and focused advocate. But the driving force in his soul was protection of innocent consumers who lost their lives or their loved ones, or were horribly injured." ■

Public Citizen's January 21 Democracy Teach-In: A Day of Grassroots Organizing and Resistance

Public Citizen President Robert Weissman speaks at the January 21 teach-in. Public Citizen file photo.

BY RHODA FENG

On the seventh anniversary of the U.S. Supreme Court's disastrous *Citizens United* ruling and a day after the presidential inauguration, Public Citizen and dozens of allies hosted a teach-in in Washington, D.C., to complement the Women's March on Washington. Held on Saturday, Jan. 21, the event focused on the critical grassroots campaigns for the coming year – from campaigns advancing the rights of women, immigrants, Muslims and people of color to campaigns geared toward upholding democracy, economic justice and a healthy environment.

As attendees dispersed into smaller groups for panels and workshops, speakers launched a wide-ranging and vigorous conversation about what it means to have a democracy in an America where votes are suppressed, corporate interests are gaining more power and the constitutional rights of millions are publicly threatened by our elected leaders.

The goal of the teach-in was to help Women's March attendees plug into grassroots campaigns and acquire skills to take home to their communities. Momentum and enthusiasm continued to build well into the evening, when former Democratic Ohio state senator Nina Turner rounded out a singing event to reaffirm a collective commitment to movement building and solidarity. The event was rounded out by a diverse array of speakers, including Public Citizen's own Robert Weissman; Cornell Brooks, president of the NAACP; Lily Eskelsen Garcia, president of the National Education Association; Tefere Gebre, vice president of the AFL-CIO; consumer advocate and author Ralph Nader; and U.S. Rep. Jamie Raskin (D-Md.). ■

Nina Turner delivers a rousing address. Public Citizen file photo.

PUBLIC CITIZEN IN YOUR STATE

Much of Public Citizen's work focuses on federal policies, but we also work in the public interest at the local and state levels. Here's what Public Citizen has been doing in your state lately.

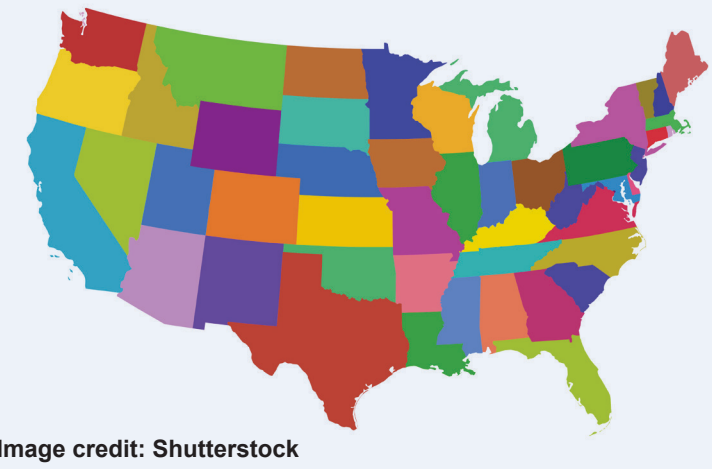


Image credit: Shutterstock

Bexar County commissioners reject shipment of high-level radioactive waste

In February, the voices of Bexar County residents in Texas were amplified by a resolution opposing shipments of radioactive waste through the community. Waste Control Specialists (WCS), a private company, has proposed shipping radioactive waste (spent fuel rods from nuclear power plants) from more than 60 sites across the country and dumping them in its waste storage site in Andrews County, West Texas, which now accepts low-level radioactive waste. In the days leading up to the Bexar County Commission vote, Public Citizen's Texas office urged Bexar County residents to email their commissioners and call on them to oppose the high-level radioactive waste shipments. A train derailment, traffic accident or terrorist attack could put the community at risk of radiation exposure, which causes cancer and birth defects and even death. While the construction of a high-level waste storage site in Andrews County remains outside the purview of Bexar County Commissioners (and is still being considered by the U.S. Nuclear Regulatory Commission), the resolution passed by Bexar County sends a signal to the Nuclear Regulatory Commission that there is serious concern in Texas about WCS' plan to transport 5,000 tons of radioactive waste to the West Texas storage site.

Rally in New York to Stop Trump's #SwampCabinet

On a snowy date in late January, more than 100 local constituents congregated outside the office of U.S. Sens. Kirsten Gillibrand and Charles Schumer in Syracuse, N.Y., for a rally. Their purpose: to urge Congress to oppose Donald Trump's #SwampCabinet. The Jan. 24 event was one of many planned by the Central New York Solidarity Coalition, a grassroots coalition of organizations and individuals committed to protecting all Central New Yorkers from the dangers of the Trump administration's policies, appointees and rhetoric.

Public Citizen is one of the organizations helping to lead the coalition. Speakers at the event included: Jonah Minkoff-Zern, co-director of Public Citizen's Democracy Is For People Campaign; Anne Marie Talercio, president of Central New York Area Labor Federation, AFL-CIO; Yusuf Abdul Qadir, director of New York Civil Liberties, Syracuse; and Frank Cetera, president of the Cooperative Federal Credit Union.
– Rhoda Feng

To highlight the conflicts of interest and cronyism riddling the Trump administration, Public Citizen made a day-by-day video review of the administration's first month. It shows that virtually every day has been marked by a new, extraordinary grant of power to corporate interests and/or another development in Donald Trump's get-rich-quick-scheme known as the American presidency. View the video at: https://www.youtube.com/user/PublicCitizen.

▶ **Lawsuit**, from page 1

cies cannot legally comply with the president's order because doing so would violate the statutes under which the agencies operate and the Administrative Procedure Act. No federal statute authorizes an agency to condition issuance of a new rule to address harms to public safety, health or other statutory objectives on the relative costs of existing rules unrelated to the new rule.

Lawyers at the Public Citizen Litigation Group are serving as lead counsel for the plaintiffs, who are asking the court to declare that the executive order violates the Constitution. They also seek an injunction barring agencies from implementing the order.

"The executive order policy is fundamentally irrational," Weissman said.

For instance, Trump and his top regulatory adviser, the financial mogul Carl Icahn, have untruthfully claimed that regulations are choking the American economy, citing debunked research concluding that regulations cost $2 trillion a year. But a 2016 report from the OMB estimates that the annual benefits from all major regulations over the past 10 years for which agencies monetized both benefits and costs were between $269 billion and $872 billion, while the costs were between $74 billion and $110 billion, in 2014 dollars.

"Regulatory protections are crucial for protecting the public and stopping corporate abuse," said Weissman. "Without strong regulations, dirty energy companies would be able to pollute more, Wall Street banks would be better positioned to rip off consumers, chemical corporations would expose their workers to more poisons, drug companies would be empowered to continue price gouging and auto makers would sell unsafe vehicles."

The Trump administration has until April 10 to reply to the complaint. ■

Public Citizen Goes to Court to Support Stronger Overtime Protections

In December 2016, 26 members of Congress, represented by the Public Citizen Litigation Group, filed an amicus brief urging the U.S. Court of Appeals for the Fifth Circuit to reverse an order blocking overtime protections for millions of American workers.

The members who submitted the brief include U.S. Rep. Bobby Scott (D-Va.), ranking member of the U.S. House of Representatives Committee on Education and the Workforce, and U.S. Sen. Patty Murray (D-Wash.), ranking member of the U.S. Senate Committee on Health, Education, Labor and Pensions.

The Fair Labor Standards Act (FLSA) exempts from its minimum wage and overtime protections workers "employed in a bona fide executive, administrative, or professional capacity."

Since the Department of Labor first issued regulations on this exemption in 1938, it has used a salary level test to help define the scope of the exemption. Employees who earn less than the salary set by the Department are not exempt and are entitled to overtime pay when they work more than 40 hours in a week.

"The use of a salary level test is well supported, long-established, and helps ensure that workers receive fair wages," said Adina Rosenbaum, the lead Public Citizen attorney representing the lawmakers. "The district court erred in finding that the test violates the FLSA."

Andrea Strong Receives 14th Annual Phyllis McCarthy Public Interest Service Award

BY RHODA FENG

Andrea Strong, director of member services of Families Against Mandatory Minimums (FAMM), received the 14th annual Phyllis McCarthy Public Interest Award at a reception on Wednesday, Nov. 16, at Public Citizen's Washington, D.C. headquarters.

Strong began her career at FAMM more than 20 years ago, starting out as the Midwest regional director in 1992. From organizing local and national chapters to holding rallies outside courthouses, Strong has played a vital role in the success and mission of FAMM. Strong exemplifies the heart and soul of FAMM, said Julie Stewart, president and founder of FAMM.

"She has a huge heart and incredible compassion for those who reach her. She never lets us forget whose lives we are trying to change and how much it matters," Stewart said.

FAMM is a Washington, D.C.-based nonprofit, nonpartisan organization that fights to eliminate unduly harsh mandatory minimum sentences. FAMM promotes programs that minimize crime and diminish overcrowded prisons and the impact of overcrowded prisons on taxpayers.

Public Citizen created the eponymous award after Phyllis McCarthy, an employee of its Health Research Group, passed away in November 2002. She worked for 24 years as a managing editor and office manager, playing an integral part in the development and preparation of publications, reports, medical journal articles and petitions to government agencies.

The award recognizes individuals who have worked long and hard for a public interest group, performing critical functions as did McCarthy, but who have not received public credit commensurate with their contributions.

Of the latest recipient, Dr. Sidney Wolfe, Public Citizen's Health Research Group founder and senior adviser, said, "Andrea is a perfect example of an invaluable, unsung heroine, without whom no organization can realize its potential." ■

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On President Donald Trump's Cabinet nominees: *The Washington Post, Democracy Now!.* **On conflicts of interest in the Trump administration:** *The New York Times, USA Today, Bloomberg, CNBC, The Washington Post, The Hill, Politico, Reuters, Forbes, Vanity Fair.* **On regulations:** *The Washington Post, Bloomberg BNA, The Huffington Post, International Business Times.* **On ethics in the Trump White House:** *NPR, The Washington Post, The New York Times, Bloomberg Politics, Associated Press.* **On Public Citizen's ethics complaint against Kellyanne Conway:** *USA Today, Politico.* **On the Johnson Amendment:** *NPR, USA Today.*

Lisa Gilbert, vice president of legislative affairs

On gutting the congressional ethics office: *The Washington Post, NPR, Real News Network, USA Today.* **On Trump's conflicts of interest:** *The Atlantic, Politico, The Guardian, The Wall Street Journal.* **On Trump's Cabinet nominees:** *CNN, The Wall Street Journal.* **On transparency in the Trump White House:** *The Boston Globe, Politico.* **On regulations:** *The Hill.*

Lori Wallach, director of Global Trade Watch

On Trump's Cabinet nominees: *NPR.* **On changes to trade in the Trump administration:** *The New York Times, Slate, The Hill, Associated Press, Los Angeles Times, Al Jazeera.*

Tyson Slocum, director of Public Citizen's Energy Program

On Fiat-Chrysler: *CNBC, ARD German TV.* **On Trump's Cabinet nominees:** *Bloomberg, Greentech Media.* **On the future of renewable energy:** *CGTN TV.*

Craig Holman, government affairs lobbyist with Public Citizen's Congress Watch division

On ethics in the Trump White House: *The New York Times, Democracy Now!, The Huffington Post, Buzzfeed, USA Today, International Business Times, The Washington Post, Associated Press.* **On Trump's Cabinet nominees:** KPCC-SCPR, *The New York Times,* WCNY. **On money in politics:** *Business Insider, Politico, Vox.* **On Public Citizen's ethics complaint against Kellyanne Conway:** *Chicago Sun-Times, BBC, Associated Press.* **On Trump's conflicts of interest:** *The Hill.* **On Trump's executive orders:** *The Washington Post, McClatchy DC.*

Dr. Michael Carome, director of Public Citizen's Health Research Group

On Trump's nomination for Health and Human Services secretary: *The Atlanta-Journal Constitution.* **On eased medical research regulations:** *NPR, Stat News, Bloomberg BNA.* **On the U.S. Food and Drug Administration (FDA) under Trump:** *The New York Times, U.S. News & World Report, NBC News, Bloomberg BNA.* **On medical resident work hours:** *Safety + Health.*

Peter Maybarduk, director of Public Citizen's Access to Medicines Program

On drug monopolies: *Buzzfeed, Radio New Zealand.* **On Trump's plan to deregulate the FDA:** *New Now Next.* **On Epi-Pen availability:** *The Huffington Post, NBC News.* **On drug importation:** *Associated Press, Seattle Times, KAOS.* **On withdrawing from the Trans-Pacific Partnership:** *MedPage Today, Modern Healthcare.*

Tom "Smitty" Smith, director of Public Citizen's Texas office

On Rick Perry's energy hearing: *NPR.* **On nuclear waste storage:** *Midland Reporter-Telegram, San Antonio Express-News, NBC.* **On Rick Perry:** *CBS Austin.* **On coal plants:** *Houston Public Media, WOAI.*

Kristen Strader, campaign coordinator, Public Citizen's Commercial Alert Program

On hidden ads: NBC4 (Los Angeles), *Consumer Affairs.*

Allison Zieve, director of the Public Citizen Litigation Group

On *Public Citizen v. Trump*: *Newsweek, The Leslie Marshall Show.*

Public Citizen v. Trump

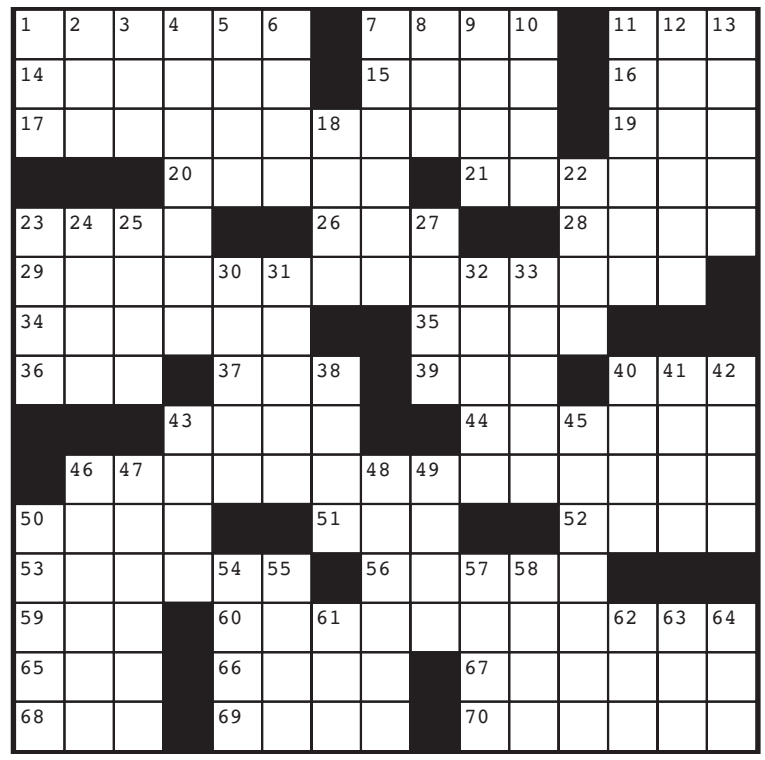
Associated Press, Reuters, Washington Times, National Law Journal, Politico, The Hill, International Business Times, Bloomberg, NPR, The Washington Post, Newsweek, Modern Healthcare, Cox Radio, The Washington Post Business.

FOR YOUR ENTERTAINMENT

Answers, page 16 ▶

Public Citizen Crossword

BY SAM BELLOTTO JR.



Across

1 Fit for farming
7 Rise up
11 Restyles
14 Microsoft directive
15 Dust Bowl refugee
16 German article
17 Properties that are foreign emoluments in Istanbul and China
19 Mar-a-Lago loc.
20 Music-festival street of Memphis
21 Press Secretary skewered often on SNL
23 Rogers in "Ginger Snaps"
26 "O.K." singer DiFranco
28 Fishing float
29 Brand promoted by Trump from his elected office
34 Response to many of Trump's claims?
35 Spacek biopic role
36 Brad Johnson target
37 What NBA star Steph Curry called Trump
39 On the dot
40 Manning or Wallach
43 Germany's "national card game"
44 Capital of Armenia
46 Trump Cabinet conflicts of interest
50 Check for blips
51 Italian pronoun
52 Caesar's olive
53 Trump Cabinet HUD Secretary nominee
56 Arms limitation treaty signed in 1991
59 Prince Valiant's heir
60 Major lender of $364 million to Donald Trump
65 Year in Leo IX's papacy
66 "It's crystal clear"
67 Site of Taoyuan Aerotropolis conflict of interest
68 Myanmar money unit
69 Jazz trumpeter Jones
70 Group

Down

1 Monet's forte
2 Defer add-on?
3 __ Ghraib prison
4 Vietnam War strategy
5 Run like a gazelle
6 "At Last" singer James
7 Ivanhoe's beloved
8 Live from hand to mouth
9 Puts on the line
10 Shortness of breath?
11 Alert state used by the armed forces
12 Petrol tankers
13 Lewis Carroll creature
18 Palme of Sweden
22 Windows symbol
23 Country or miracle follower
24 Insider Boesky
25 Emperor Henry V's wife
27 Cuba, to a Cuban
30 Soldier material?
31 Syrian statesman
32 Prefix for active
33 Start of a mural?
38 Goblet part
40 Doctor played by Mike Myers
41 Passageway
42 Teri's "Young Frankenstein" role
43 Form-1040 IDs
45 Popular rap song by Abstract
46 Teen sitcom on Nickelodeon
47 Land chronicled by C.S. Lewis
48 Took a chance
49 Yellow Brick Road traveler
50 Urchin
54 Newspaper section
55 "More About People" poet
57 Aqua Velva competitor
58 Some MP3 players
61 PBS funder
62 WW2 battle site, briefly
63 Former New York gov.
64 Bother at a barbecue

Sam Bellotto Jr., a former magazine editor, constructs the crossword gratis. Public Citizen appreciates his generous contribution.

Public Citizen Recommends ...

'Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy'

By Cathy O'Neil; Crown; $26

Cathy O'Neil's book is an essential read for anyone who is concerned about how corporations and government use and misuse information about people's personal data. O'Neil, a professional mathematician with both Wall Street and Occupy Wall Street experience, tackles a wide range of topics, from the algorithms that helped fuel the financial crisis of 2008 to the flawed models that perpetuate the criminalization of poverty to social media's manipulation of our civic life.

O'Neil maintains a conversational, wryly humorous tone throughout. The analogies she provides deliver a basic understanding of how Big Data's built-in assumptions and oversimplifications can harm the public while obscuring and perpetuating societal problems.

The worst of the worst are dubbed "weapons of math destruction," or WMDs, which are self-reinforcing algorithms that generate damaging feedback loops and wreak havoc through their inability to adapt to changing circumstances. One particularly nefarious example O'Neil provides is predatory for-profit colleges' aggressive marketing methods targeting low-income people. Instead of helping people escape poverty, these corporate predators perpetuate it while leeching funds from struggling students and public coffers.

O'Neil's book calls on readers to recognize that unspoken moral choices are built into the data models that corporations and governments use. These choices tend to prioritize efficiency and profits over other values; ultimately, they all too often serve to reproduce inequality and damage democracy. (Though the book was published in mid-2016, the proliferation of demonstrably false, micro-targeted "fake news" on social media and its possible political influence is foreshadowed.) In the end, it is up to advocates for fairness and accountability to resist mathematical models that harm the public.

—Rick Claypool

'The Populist Explosion: How the Great Recession Transformed American and European Politics'

By John Judis; Columbia Global Reports; $12

President Donald Trump has proven to be the stomach-twisting con artist his critics expected. He's stuffed his Cabinet with oligarchs he railed against in his campaign. In "The Populist Explosion: How the Great Recession Transformed American and European Politics," journalist John Judis suggests he might understand why the "mark" for this faux outsider was so large as to win Trump the Electoral College.

Published before the election, "The Populist Explosion" explores populism on both sides of the Atlantic, and over the course of more than a century. Judis resists a monolithic definition of the populist ideology, noting that populists come from right, left and center. He also doesn't romanticize; some are racists. At the core, he notes, populists are anti-elitist. "Every man a king, but no man wears a crown," as Louisiana's Huey Long crystalized.

The unexpected ascendance of Trump and Bernie Sanders, Judis argues, is symptomatic of the current force of populism. (That may be some ulcer relief hoping for buyer's remorse.)

Alas, his otherwise fascinating primer doesn't venture a calculus. It's intuitive that the Great Recession would lead to lasting frustration. But is there a measurable correlation between unemployment, factory closures or income disparity and populism? CEO pay swelled from 50 times the pay of average workers in 1980 to 250 times in 2010. Why no populist rebellion toppling a presidency when it hit 100 times? Judis doesn't offer measurements. This authoritative student of populism expected a Hillary Clinton victory.

—Bartlett Naylor

To order books, contact the publisher or visit your local bookstore or library.

After 15 Years, Public Citizen Wins Rule to Prevent Beryllium Deaths

▶ **Beryllium**, from page 1

beryllium exposure in the workplace. According to OSHA, the rule will save 94 lives each year and prevent 46 new cases of chronic beryllium disease among workers in general industry as well as the construction and shipyard trades. In addition, OSHA projects the final rule will save the U.S. economy about $561 million each year.

"While we are frustrated that the rule has taken so long to complete, we commend OSHA for issuing this lifesaving safeguard," said Dr. Sammy Almashat, a researcher with Public Citizen's Health Research Group. "Once the rule is implemented, tens of thousands of workers will finally have the protections that they have lacked for far too long."

President Donald Trump's administration, however, has introduced a new speed bump – or maybe worse – for the rule. After Trump was sworn in, his chief of staff, Reince Priebus, announced that agencies should halt all regulatory action. As part of the regulatory freeze, rules that had been finalized under the Obama administration but had not yet taken effect were to be delayed for at least 60 days. Under this new directive, the Labor Department announced on March 1 that it has pushed back the date the rule is set to take effect; originally scheduled for March 21, the Labor Department has proposed that the rule's effective date be postponed to May 20.

Beryllium, which is a metal commonly used in ceramics, aircraft parts, dental prostheses, golf clubs, springs, wheels and precision instruments, is known to cause cancer and other fatal diseases. Beryllium exposure occurs when, in the process of producing these items, the metal is ground, sanded or cut, producing a dust or fume that can be inhaled.

When even very low levels are inhaled, workers can gradually develop cough, chest pain, shortness of breath, weakness and fatigue. Loss of appetite, weight loss, and lung and heart failure may occur in people with advanced chronic beryllium disease, which is incurable and ultimately kills many of those afflicted. Others are permanently disabled by the disease, bound to oxygen tanks while enduring crippling respiratory distress.

Public Citizen has long argued that lowering the legal limit for workplace beryllium exposure - known technically as the permissible exposure limit (PEL) - was necessary to save lives and spare workers these harmful effects. According to OSHA, 62,000 people are exposed to beryllium in the workplace annually. The estimated 11,500 construction and shipyard workers who come in contact with beryllium every day while performing open-air abrasive blasting are at especially high risk for contracting beryllium-related diseases.

In 2001, Public Citizen along with the Paper, Allied-Industrial, Chemical & Energy Workers International Union – which has since merged with the United Steelworkers – petitioned OSHA to lower the PEL for beryllium to 0.2 micrograms per cubic meter of air, one-tenth of the 2.0 micrograms per cubic meter of air limit in place at the time.

Finally, in 2015, OSHA released a proposed beryllium rule with a limit of 0.2 micrograms per cubic meter of air, but the proposal excluded construction and shipyard workers.

"While we are frustrated that the rule has taken so long to complete, we commend OSHA for issuing this lifesaving safeguard. Tens of thousands of workers will finally have the protections that they have lacked for far too long."

— Dr. Sammy Almashat, researcher with Public Citizen's Health Research Group

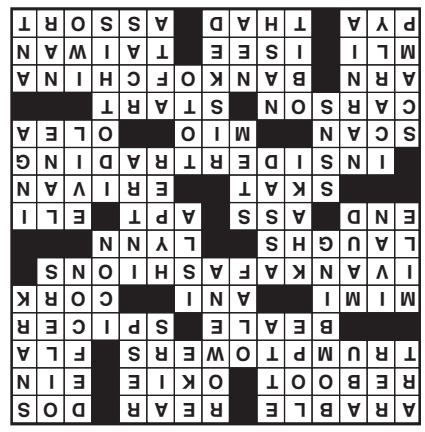
However, during the years the agency had been mulling over the issue, additional research became available showing evidence of beryllium's harms at lower levels. That data showed that OSHA's proposed exposure limit – which matched what Public Citizen sought in 2001 – no longer was low enough.

In its comments on the proposed rule, Public Citizen urged OSHA to further lower the proposed PEL to 0.1 micrograms per cubic meter of air and to extend the protections of the new rule to construction and shipyard workers who were unjustifiably excluded under the proposed rule. OSHA included the additional workers in the final rule but did not lower the exposure limit further. OSHA cited Public Citizen's analysis in the preamble to the final rule in support of its decision to cover these workers.

Although the final beryllium rule lowers the PEL to just 0.2 (and not 0.1) micrograms per cubic meter of air, it is a vast improvement over the previous limit of 2.0 micrograms per cubic meter of air, especially because thousands of construction and shipyard workers are covered by the rule.

"Construction and shipyard workers exposed to beryllium on a daily basis deserve the same safeguards as other workers at risk from the deadly effects of this toxic metal," said Emily Gardner, worker health and safety advocate for Public Citizen's Congress Watch division. "We are relieved that the final rule was changed to protect these workers. It now must be implemented without delay." ■

Crossword Answers (from page 15)



IN THE NEXT ISSUE

Dangerous intravenous solutions are causing life-threatening side effects.

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A charitable gift annuity is a simple contract between you and Public Citizen Foundation that supports us while providing you (and/or another individual) with a charitable deduction and payments on a quarterly basis for the rest of your life. The minimum gift to establish this annuity is $10,000 using cash or securities, and the minimum age is 65. The following are some of the payments we offer for one individual. Payments for two people are available upon request.

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70	5.1	$510
75	5.8	$580
80	6.8	$680
85	7.8	$780
90 and over	9	$900

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